

POINTS OF CLARIFICATION:

1. IDNR reported that it issues permits for reclamation of a site, it regulates surface blasting. The approved reclamation plan is filed with the County. Is a permit issued for surface blasting? Who files the approved reclamation plan with the County?
2. The Corps said that no 404 permit was required for Phase 1, the 80 acre tract, of the project. Is this correct?
3. IEPA said there was not a statutory deadline for granting a NPDES permit. Could IEPA please further expand on the meaning of this statement?
4. IEPA reported that it anticipates that the Air State Construction Permit will be issued in August. Does this remain the anticipated date for issuing the construction permit?
5. For IEPA: OpenLands and Sierra Club have made a request that IEPA conduct baseline studies of the air quality and the amount of particulate matter in the air prior making any decisions regarding whether to permit or deny the permit application submitted by Mississippi Sands. The goal is to be able to know what the air quality is prior to the initiation of work by Mississippi Sands, and what additional emissions it contributes. What is the status of the request?
6. For IEPA: OpenLands and Sierra Club also anticipate asking for air monitoring on site, and will be looking at daily and hourly exceedances in requesting that Mississippi Sands do additional monitoring, as a permit condition. Is attaching such conditions to a permit within the IEPA's scope of authority?

SPEAKING TO THE RESOLUTION:

1. IEPA should require baseline air monitoring on site prior to construction activities
 - a. IEPA is uncertain whether it can demand such monitoring within its legal authority when granting a permit.
2. IEPA should require a thorough chemical and biological study of Horseshoe Creek & its tributaries.
 - a. IEPA is uncertain it is within its authority to do so.
3. IEPA should determine is impaired for sediment at the confluence with Horseshoe Creek and whether the mining operation will contribute further sediment into the waterway.
 - a. IEPA is uncertain of the position of the waterways on its list for updating 303(d) impaired waters.
4. IDNR should require a thorough study of the hydrology of the mine site to consider the short and long term impact "of the proposed mining" on vegetation, wildlife, land use, land values, local tax base, the economy of the region and the State, employment opportunities, water pollution, soil contamination, and drainage.
 - a. IDNR is uncertain such conditions can be retroactively applied once the fee and bond letter has been issued, as is the case in this instance.

5. IDNR should require a study of the mine's blasting plan on the sensitive sandstone formations in the neighboring Starved Rock State Park.
 - a. IDNR is uncertain that this is within its statutory authority.
 - b. Further, IDNR is uncertain such conditions can be retroactively applied once the fee and bond letter has been issued, as is the case in this instance.
6. IDNR should not issue a mining permit until Mississippi Sands reconciles how it can excavate an 80-foot pit in area with wetlands that the Army Corps has determined to be jurisdictional under Section 404 of the Clean Water Act.
 - a. The Army Corps believes this may put IDNR on the hook for something that is within the authority of the Army Corps of Engineers, which would be improper.
 - b. IDNR is uncertain such conditions can be retroactively applied once the fee and bond letter has been issued, as is the case in this instance.

GENERAL QUESTIONS DIRECTED TO THE AGENCIES:

1. What is the status of the permit application and what is the approval process?
 - a. What follows the fee and bond letter having been transmitted to Mississippi Sands?
 - b. What happens if the reclamation plan changes during the course of permitting the project?
2. Is the reclamation map accurate?
 - a. It appears that the jurisdictional wetlands will be covered over by the reclamation lake as indicated on the map. Discussion indicates Mississippi Sands will leave a 25 foot buffer around the wetlands. However, this is not demarcated on the map.
3. Is it anticipated that the Air Operating Permit will be a FESOP?
 - a. What is the implication of the granting of the FESOP?
 - b. How do the construction and operating permits interface?
4. Regarding the NPDES for the mining operation discharge – does IEPA anticipate this will be considered for an individual or a general permit?

Daphne Mitchell asked that the resolution be withdrawn until the questions have been answered by the Agencies.